

REMARKS

Claims 1, 2, 3, 5 to 13, 15 to 26, 28 to 36, 38 to 45, 47 to 55, 57 to 61, 63, 64, 66, 68, 69, 71 to 75, 78, 84 to 86, 89, 95 to 97, and 100 are pending in the application. Claims 1, 10, 20, 24, 33, 43, 52, 73, 84, and 95 are independent.<sup>1</sup> Favorable reconsideration and further examination are respectfully requested.

In the Office Action, the claims were rejected over O'Sullivan (U.S. Patent No. 6,560,656) in view of Lim (U.S. Patent No. 6,370,582). As shown above, Applicant has amended the claims to define the invention with greater particularity. In view of these clarifications, withdrawal of the art rejection is respectfully requested.

For example, claim 1 has been amended to recite polling a server by sending a message to the server periodically, where the message contains information that distinguishes the apparatus from other like apparatuses, and the message is for establishing a connection between the server and the controller through which the instructions are sent. Claim 1 also recites receiving, from the server and in response to the message, one or more of plural instructions that are supported by the controller, and using one or more of the instructions to affect at least one of a configuration of the apparatus in response to an instruction that is configured to affect the configuration of the apparatus, an operation of the apparatus in response to an instruction that is configured to affect the operation of the apparatus, and an operation of the controller in response to an instruction that is configured to affect the operation of the controller.

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<sup>1</sup> The Examiner is urged to independently confirm this recitation of the pending claims and the independent claims.

The applied art is not understood to disclose or to suggest the foregoing features of claim

1. In this regard, O'Sullivan describes what happens when a device joins a network. Upon joining the network, in O'Sullivan, the device conducts a discovery process. In this discovery process, the device broadcasts, over a network, a packet that contains a code for use in communicating with the device. A discovery server 314 receives the broadcast and passes a reference to a lookup service 312 to the device, which enables the device to register itself with a Djinn (see, e.g., column 6, lines 47 et seq. of O'Sullivan). In response, the device registers its services with the lookup service and also registers information that may be used to communicate with the device (see, e.g., column 6, line 52 and column 8, lines 8 to 12).

O'Sullivan thus does not disclose or suggest polling a server for instructions by sending a message to the server periodically. That is, in O'Sullivan, a device simply broadcasts a packet, and then registers with the lookup service. Periodic communications are not involved. In this regard, previous claim 61 referred to polling. Pages 6 and 7 of the Office Action mention claim 61, but do not refer to polling or indicate where polling can be found in the references.

O'Sullivan also does not disclose or suggest using one or more instructions to affect a configuration of the apparatus in response to an instruction that is configured to affect the configuration of the apparatus, an operation of the apparatus in response to an instruction that is configured to affect the operation of the apparatus, and an operation of the controller in response to an instruction that is configured to affect the operation of the controller. More specifically, O'Sullivan does not describe receiving different instructions to perform different actions in response to its original broadcast packet (e.g., to affect a configuration of an apparatus or controller or to affect operation of the controller). Instead, in O'Sullivan, the instruction that is

received is only a reference to a lookup service 312, in response to which a device registers itself with a lookup service to thereby become a member of the Djinn.

Finally, contrary to what is said on page 3 of the Office Action, in O'Sullivan it is a lack of code in a device that prevents a device from communicating over a network. There is nothing relating to network addressing that prevents a server (e.g., the lookup service) from communicating with the device to send instructions.

Lim, which was cited for its disclosure of HTTP and XML, is not believed to add anything that would remedy the foregoing deficiencies O'Sullivan vis-à-vis claim 1.

For at least the foregoing reasons, claim 1 is believed to be patentable over the art. Independent claims 10, 20, 24, 33, 43 and 52 recite features that are similar to those discussed above with respect to claim 1, and are also believed to be patentable over the art.

Independent claim 73 has been amended to recite polling a server for messages periodically, where polling comprises initiating communication with the server by sending a first message to the server, and where the first message identifies the apparatus and is for establishing a connection between the server and the controller through which the instructions are sent. Claim 73 also recites receiving a first reply message from the server in response to the first message, where the first reply message identifies a parameter, sending a second message to the server in response to the reply message, where the second message contains the parameter identified in the reply message, receiving a second reply message containing an updated version of the parameter, and using the updated version of the parameter to affect at least one of a configuration of the apparatus if the parameter relates to the configuration of the apparatus, an operation of the apparatus if the parameter relates to operation of the apparatus, and an operation

of the controller if the parameter relates to operation of the controller. According to claim 73, the server cannot initiate communication to the controller because the server cannot resolve a network address of the controller.

O'Sullivan does not disclose or suggest sending a first message to a server that identifies a device, receiving a first reply message identifying a parameter, sending a second message to the server in response to the reply message, where the second message contains a parameter identified in the first reply message, and receiving a second message containing an updated version of the parameter. Features similar to these were in the claims prior to this Amendment and were not addressed in the Office Action. As understood by Applicant, at best, O'Sullivan describes sending a broadcast message, receiving a response to the broadcast message containing a reference to a lookup service, and registering with the lookup service. There is no mention whatsoever in O'Sullivan (or Lim, for that matter) of passing a parameter and an updated version of the parameter between a device and a server in the manner claimed in claim 73.

Applicants also do not understand the art to disclose or suggest using the updated version of the parameter in the manner claimed, i.e., to affect at least one of a configuration of the apparatus if the parameter relates to the configuration of the apparatus, an operation of the apparatus if the parameter relates to operation of the apparatus, and an operation of the controller if the parameter relates to operation of the controller. That is, as explained above, at best, O'Sullivan describes using its received reference to a lookup service (which is not an updated version of a parameter previously passed to a server) to register with the lookup service.

Furthermore, as explained above, the art does not disclose or suggest polling a server for messages periodically, or that the server cannot initiate communication to the controller because

the server cannot resolve a network address of the controller.

For at least the foregoing reasons, claim 73 is believed to be patentable over the art. Independent claims 84 and 95 recite features that are similar to those discussed above with respect to claim 73, and are also believed to be patentable over the art.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been addressed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.


Please charge any fees required for this response, which are not already covered by check, to deposit account 06-1050, referencing Attorney Docket No. 11333-011001.

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Respectfully submitted,

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